

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MMAS RESEARCH LLC,

Plaintiff,

v.

Case No.: 1:24-cv-12108-DJC

THE CHILDREN'S HOSPITAL
CORPORATION, et al.,

Defendants.

**DECLARATION OF F. CHRISTOPHER AUSTIN IN SUPPORT OF
MOTION FOR EXTENSION OF TIME (*NUNC PRO TUNC*)
TO ANSWER OR OTHERWISE RESPOND TO THE FIRST AMENDED COMPLAINT**

I, F. Christopher Austin, make this declaration pursuant to 28 U.S.C. § 1746 in support of Defendants Morisky Medication Adherence Research LLC (MMAR LLC) and Dr. Donald Morisky (collectively, the “Morisky Defendants”) Motion for Extension of Time to Answer or Otherwise Respond to the First Amended Complaint (herein, the “Motion”). I have personal knowledge of the facts stated herein and if called upon could testify to them.

1. I am licensed to practice and in good standing in all state and federal courts in Nevada and have been practicing in Nevada for over 30 years. I am not licensed to practice in Massachusetts.

2. I have represented the Morisky Defendants in other matters while with a prior firm. The end of January 2025, I accepted employment at my current firm of Lextecnica, Ltd., located in Las Vegas, Nevada. This transition caused a disruption in my practice.

3. This transition delayed my following up with the Morisky Defendants on the status of other matters on which I was working for them. This prompted their request on the evening of January 20, 2025, that I represent them in this matter.

4. In accordance with my agreement to help them with this matter, at approximately 5:42 a.m. (Pacific time) the next morning, February 21, 2025, called and emailed Plaintiff's counsel of record, Ash Roozbehani, to inform him of my retention on the matter.

5. A true and correct copy of my February 21, 2025, email to Mr. Roozbehani is attached to the Motion as Exhibit 1.

6. Later that same day, February 21, 2025, I reached out to Jeremy Oczek of Bond Shoeneck & King who is licensed to practice in Massachusetts and before this Court to request if Mr. Oczek would consent to representation of the Morisky Defendants in this matter. Mr. Oczek agreed to do so pending the absence of any conflicts with his firm and a formal retention of the Morisky Defendants.

7. Accordingly, the following evening, Saturday, February 22, 2025, I again emailed Mr. Roozbehani, informed him that the Morisky Defendants "were in the process of retaining Jeremy Oczek, of Bond Shoeneck & King to represent Defendants in this matter," copying Mr. Oczek on the email.

8. A true and correct copy of this February 22, 2025, email to Mr. Roozbehani is attached hereto as Exhibit 2.

9. In that email, I further noting that "counsel will need additional time to assess the facts and prepare a response," and asked whether he would consent to "extend the time 14 days to March 5, 2025, for the Morisky Defendants to respond to the First Amended Complaint, or whether

we need to move for the same.” I concluded by offering to have Mr. Roozbehani call me on my cell phone number at Mr. Roozbehani’s convenience throughout the weekend.

10. I did not receive a response from Mr. Roozbehani until Monday, February 24, 2025. In that response, Mr. Roozbehani stated that Plaintiff would not agree to the requested extension. To the contrary, Mr. Roozbehani stated that Plaintiff “will be moving forward with a motion for default.” Because that email was sent at 6:30 a.m., Pacific time, I did not see it until after he commenced work later that morning, by which time I also learned that Plaintiff had in fact already filed for entry of default in this matter despite my having fully being appraised that him that we were in the process of securing Mr. Oczek as counsel in Massachusetts.

11. A true and correct copy of this February 23, 2025, email is included as Exhibit 2.

12. That same day, February 24, 2025, Mr. Oczek filed a Notice of Appearance as counsel of record for the Morisky Defendants in this matter. Dkt. No. 48.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: February 26, 2025.

/s/ F. Christopher Austin
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